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C O N F I D E N T I A L SECTION 01 OF 02 NICOSIA 000007

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DEPARTMENT FOR EUR/SE, IO/UNP

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TAGS: [PREL](#) [PGOV](#) [UNFICYP](#) [CY](#) [TU](#)  
SUBJECT: CYPRUS: SIDES STILL DIFFER ON GOVERNANCE, UN ENVOY  
STILL A PART-TIMER

REF: 08 NICOSIA 916

Classified By: Ambassador Frank C. Urbancic, Reasons 1.4 (b), (d)

11. (C) SUMMARY: UNFICYP Senior Advisor Wlodek Cibor on January 7 painted a less rosy picture than boss Special Representative Taya-Brook Zerihoun of the most recent (January 5) leaders' gathering. Cibor (please protect) discounted the significance of Demetris Christofias and Mehmet Ali Talat reaching agreement on harmonization and cooperation between the federal government and the constituent states, the subject of Zerihoun's positive public spin, and noted that huge gaps remained between the sides' positions on the hierarchy of federal and state laws, a far more contentious subject. Turning to UN personnel matters, long-time CyProb veteran Cibor lamented that UN Special Envoy Alexander Downer continued to resist relocation to Cyprus, as well as longer work hours on the island. Further, he worried that Downer's appointment of a Good Offices mission coordinator who lacked any Cyprus experience could create intra-UN bureaucratic squabbles and even slow the process.  
END SUMMARY.

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Leaders' Meeting Good, not Great  
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12. (C) PolChief on January 7 met long-serving UNFICYP Special Advisor (DCM equivalent) Wlodek Cibor for a readout of the latest leaders' meeting and current UN thinking on the negotiations. Cibor felt the January 5 session had gone well, but generated no significant breakthroughs. Commenting on Zerihoun's statement that the sides "had reached full agreement on harmonization and cooperation between the federal government and the constituent states, and between the constituent states," he called the step a small one -- and was unable to verbalize exactly what it meant. (Note: He was not alone. Asked on January 5 to comment on harmonization/cooperation, President Christofias told reporters, "it means exactly what it means!")

13. (C) Cibor also questioned Zerihoun's assertion after the leaders' meeting that "the sides are close to agreement, and they have full convergence on, the issue of hierarchy of laws." In fact, the Turkish Cypriot side had tabled a paper whose gist was that there should be no supremacy of federal laws over constituent state laws. (Note: T/C chief negotiator Ozdil Nami on January 9 claimed that the T/Cs were proposing only that the constituent states would implement federal laws -- septel.) Nor should the EU Acquis trump national laws, as in other member-states. Greek Cypriots, led by chief negotiator George Iacovou, protested loudly, Cibor revealed, calling the measures confederal in nature and "un-sellable" in Brussels. The leaders agreed that a committee of technical experts should assemble on January 9 to study the T/C proposal and the hierarchy of laws in

general.

¶4. (C) External relations also came up in the January 5 gathering, Cibor reported. The T/Cs had introduced another proposal that earned immediate G/C opposition: they wanted the unified Cyprus republic's dealings with Turkey to be on par with its relations with Greece, despite the latter being an EU member state and the former only a candidate country. The proposal was filled with lots of demands for permanent and temporary Acquis derogations, he added. The UN's take on it was similar to Greek Cypriots' -- it likely would never fly with Brussels. The expert group meeting on January 9 would also tackle external relations, Cibor disclosed.

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What Comes Next in the Talks  
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¶5. (C) Christofias and Talat would re-assemble on January 12 to discuss one of the last sub-chapters in Governance, "Past Acts.8 (Said acts constitute legislative, executive, or judicial actions taken by any authority on the island; negotiations will determine whether they should be taken as valid.) Expectedly, the sides differed greatly here, Cibor reported, with Greek Cypriots insistent that past acts be consistent with international law (keeping in mind that the G/Cs consider the "TRNC pseudostate" itself illegal). Treaties might also receive attention on January 12, with Greek Cypriots reluctant to recognize any agreements the "TRNC" had inked with other countries (read, Turkey).

¶6. (C) The leaders expected to begin discussions on Property

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at their meeting on January 16, Cibor noted. There would be no attempt to close remaining gaps on Governance until all other principal negotiating topics had been discussed, which Cibor ventured might not come until late spring -- at best.

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Envoy's Calendar Still a Concern  
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¶7. (C) UN Special Envoy Alexander Downer would arrive on the island shortly before the January 12 meeting, "parachuting in for another short stay before he takes on some other job," Cibor cracked, his voice full of sarcasm. Despite UNFICYP SRSG Taye-Brook Zerihoun and others pushing hard for Downer to commit more time to the process, the Australian politician was resisting, citing his part-time UN contract and other obligations that kept him off-island. Cibor worried as well about the costs Downer was incurring with his frequent but short visits. First-class travel from Australia to Cyprus cost 20,000 USD, and associated expenses had driven Downer's total tally toward a quarter-million dollars only three months into his Good Offices mission. Secretariat accountants in New York were likely to have a fit soon, Cibor thought. Further, the UN Political Affairs chief in New York, Lynn Pascoe, was starting to have second thoughts over Downer's appointment, which Cibor described as a Ban Ki-Moon imposition.

¶8. (C) Downer had selected a UN official to be the permanent coordinator of the Good Offices mission, a Lebanese or Lebanese-American national named "Yasser Saddir" (UNFICYP administrative staff later told us the appointee was Yasser Sabra, and initial internet searches show him to be a UN Department of Political Affairs (DPA) Senior Adviser with experience in Africa's Great Lakes region.) With Sabra having no previous Cyprus experience, both Cibor and Zerihoun worried that his long learning curve could slow progress, especially if the process heated up toward a possible referendum in mid/late 2009. The appointment of the allegedly under-qualified official as Downer's deputy might also exacerbate bureaucratic squabbles between the UN's DPA and DPKO elements on-island (which are already becoming

apparent here), Cibor intimated, twice raising the newcomer's rank (higher than his but lower than Zerihoun's.)

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Comment:  
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19. (C) Not having a seat at the negotiating table, it is difficult to judge the significance of the agreement/convergence reached on January 5, which the UN trumpeted publicly but discounted in private. We understand, however, why Zerihoun might have poured on some spin -- lately the bi-communal discourse has turned ugly, and the process was well-served by some positive news. Downer's continuing reluctance to devote greater time and effort to the negotiations is not reassuring, however. In our regular meetings with Downer, Zerihoun, other UNFICYP officials and resident P-5 ambassadors, we will continue to stress that the process requires more time-intensive, studious stewardship.  
Urbancic